

09/051159

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Allan Balmain and  
Jingde Zhu

Serial No.: 09/051,159

Filed: April 2, 1998

For: ANTITUMOUR VECTOR CONSTRUCTS  
AND METHODS

Attorney Docket No.: CCI-005US

Group Art Unit:

Examiner: Not Yet Assigned

RECEIVED

10 MAR 1999

Legal Staff  
International Division

Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATION OF EXPRESS MAILING UNDER 37 CFR 1.10

Date of Deposit: January 13, 1999

Mailing Label Number: EL094334169US

I hereby certify that this Amendment and Response is being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Application, Washington, D.C. 20231.

Viriato G Cardoso  
Name of Person Mailing Paper

Viriato G Cardoso  
Signature of Person Mailing Paper

PETITION PURSUANT TO 37 C.F.R. § 1.47 (a)

Dear Sir:

Applicant requests that the above-referenced application be accepted pursuant to

01/19/1999 PVOLPE 37 C.F.R. § 1.47 (a). The second named inventor, Dr. Jingde Zhu, has refused to join in  
02 FC:122 130.00 OP the above-referenced application for patent.

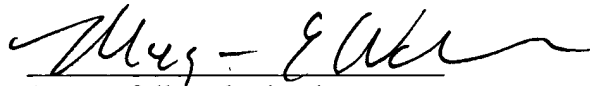
In support of this petition, Applicant submits herewith an Affidavit In Support Of  
Petition Pursuant To 37 C.F.R. 1.47(a) By Anne Zwirlein and Margaret Roberts (with

Appendix A) stating the pertinent facts which set forth Applicant's diligent efforts to contact Dr. Zhu and Dr. Zhu's express oral refusal to sign a Declaration, Petition, and Power of Attorney document for the above-referenced application. The last known address of Dr. Zhu is 68 Deveron Road, Glasgow, G61 1LN, Great Britain. The appropriate fee for consideration of the petition pursuant to 37 C.F.R. 1.17(i) is submitted concurrently herewith.

**Petitioner's Request**

In view of the above and the facts set forth in the accompanying Affidavit, Petitioner requests that the application be found acceptable pursuant to 37 C.F.R. 1.47(a) given the refusal of Dr. Zhu to sign the Declaration, Petition, and Power of Attorney Document for the above-identified application.

Respectfully submitted,



Respectfully submitted,

Megan E. Williams

Reg. No. 43,270

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Dated: January 13, 1999

Appendix A

18 August 1998

Private & Confidential

Dr Jingde Zhu  
68 Deveron Road  
Glasgow  
G61 1LN

Dear Jingde

US Patent Application No: 09/051,159  
Title: Antitumour Constructs and Methods

I refer to our telephone conversation today and now enclose a Declaration and Power of Attorney form and Assignment form in respect of the above patent.

Can you please sign and date the form on pages 2 and 4, where indicated by pencil cross. Your signature requires to be witnessed by a solicitor who is a Notary Public. Most solicitors are Notaries Public the approximate cost for this service will be £25. Obviously, Cyclacel will reimburse you for any expenses incurred.

Please return the signed form to me as soon as possible in the enclosed envelope.

Yours sincerely

Anne Zwirlein (Mrs)